

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

No. 1:23-md-3076-KMM

In re

FTX Cryptocurrency Exchange Collapse Litigation

This Document Relates to the Administrative Class Action
Complaint and Demand for Jury Trial as to the Bank
Defendants (ECF No. 155)

**DEFENDANTS DELTEC BANK AND TRUST COMPANY LIMITED AND
JEAN CHALOPIN'S RESPONSE TO PLAINTIFFS' CORRECTED NOTICE OF
FILING SUPPLEMENTAL AUTHORITY [ECF 903]**

Deltec and Mr. Chalopin—both Bahamian citizens—moved to dismiss the amended complaint for lack of personal jurisdiction. They also advanced other arguments for dismissal, including that Plaintiffs' aiding-and-abetting claims must be dismissed because they have not pleaded actual knowledge of FTX's fraud. (ECF 823, pp. 22-25 (collecting authority).) *Otto Candies LLC v. Citigroup Inc.* has no impact on that argument.

Otto Candies held that a defendant's repeated concession that its agents and employees were "directly" and "criminally" involved in a fraud could support an inference that those individuals had "knowledge of the fraud," which could be imputed to the defendant. The defendant: (i) conceded that individuals "involved in the scheme" "functioned as [its] agents"; (ii) publicly terminated an officer it "believed was directly involved in the fraud"; and (iii) terminated others for "actions or inactions [related to] th[e] fraud." 2025 WL 1337052, at *8-10. From those admissions, it was reasonable to infer those individuals had "knowledge of that fraud" and that their knowledge could be imputed to the defendant. *Id.* at *9. Here, Plaintiffs have not alleged that Deltec or Mr. Chalopin admitted they or their agents were directly or criminally involved in or had knowledge of FTX's fraud.

Respectfully submitted,

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